

III
Durban
Will

In the name of God Amen I J. Durr of De la Motte County
being weak in body but of sound and perfect memory do make and
publish this my last Will and Testament in manner and form follow-
ing (that is to say) First It is my will that all just claims
against me be paid immediately Second I give unto my wife
Ann one hundred pounds Virginia Currency as also one Man
I now have one good Bed and Bedstead one Spinning
Wheel one Bureau one Saddle Bridle one Chest one Bible and
Testament one Hymn Book and all the Books I now have on
the plantation exclusive of the third of all my Estate Said
hundred pounds to be paid Annually in fifteen pounds unto her
out of my Estate or hereafter directed that is to say fifteen
pounds one year after my decease and so on fifteen pounds
every Year until she receive one hundred pounds as also besides
that the third of all my Estate Third whereas Christian Horshbarger
who was married to my eldest daughter Barbara had a parcel or
Tract of Land containing eighty four acres appraised to him from me
by three disinterested men Christian Horshbarger was to receive one hundred
Pounds as patrimony in the price of said Land The Land was appraised
at Fifty seven Shillings and six pence the Area and the balance except
the one hundred pounds was accordingly agreed to be paid to me in
twelve yearly equal payments I was to receive the Balance then but
Christian Horshbarger never gave them to me therefore I never gave
him a Title for said Land The Appraisal happened I believe in
the Year 1776 and the yearly payments was to begin in 1778 Horshbarger
paid the two first yearly payments but all the balance remains yet
unsettled therefore it is my Will that my Executors shall not make any
Title unto the said Horshbarger until he complies with the Terms on
which he originally took possession of the Land I also direct my Executors
to take such Steps with respect to said Horshbarger and said Land
(if he does not comply with the original Terms) as will be most expedient
to make an equal division between my Heirs that he shall be dispossessed
of said Land and shall be paid one hundred pounds as also the two
payments which said Horshbarger already paid shall be paid back
unto him again and it shall be considered that the benefit he already
received from said Land shall be adequate to the interest of said one
hundred pounds and as the interest of two yearly payments which he
already made until the present date said Horshbarger has a balance
of Eighteen pounds exclusive of the above for furniture which his wife did
not receive to make her equal to the rest of my Children Fourth
I divide or it is my Will that all my Property be equally divided
amongst all my Children excluding myna the divisions I believe to be
equal so far; And I hereby charge my Executors to continue it equal
except to my son Jacob I have assigned three Bonds each thirty
six pounds seven Shillings and six pence all of which also his share
Estate is to be at the disposal of my Executors who are to be accountable
to him for his Estate and the interest of all Money due him therefore
are to furnish him therewith annually as also to furnish him with
any part of the principal if necessity require it that is to say my son
Jacob shall have said three Bonds exclusive and get an equal share besides
an part of his Comings Fifth I have retained possession of the House
I now live in for my wife during her natural life as also gardening
Stabling &c Now it is my Will that if my wife keeps the possession
which is secured to her by an instrument of writing now in the possession
of Michael Omer she shall possess unincumbered all the furniture
and every thing about said House nothing excepted during the

Executors

Term of her Natural life But if my wife should think proper
 to quit said possession and reside elsewhere all the property shall
 then be sold and converted into Money about said House by my
 Executor and equally appropriated to the use of my said wife
 that which is reserved above for the use of my wife Sic It is
 my Will that as soon as my Executors receive money into their
 hands to the amount of thirty Pounds they shall begin again
 according to age in rotation and give each of my Children thirty
 Pounds and the balance of the Money coming in to the hands
 of my Executors shall be equally divided by them amongst my
 Children when received. It appears from an Article of agree-
 ment now in the possession of Elizabeth A. Allen that I conveyed
 two hundred and twenty nine Acres of Land unto my two
 Children Eva & David Allen on the conditions stated in
 said agreement It now appears to me that said agreement
 is too injurious and oppressive to my said Children therefore
 I think it best and it is my Will that the following alterations
 be made therein to wit that the first five Years rent shall
 be paid as stated in the agreement but afterwards if any the
 said Eva & David Allen or either of them shall pay the sixty
 Dollars as stated in said agreement they or either of them shall
 have a Credit of fifty Dollars more that is to say they shall
 have a Credit of one hundred and fifty Dollars every year if
 they pay sixty Dollars as long as my wife makes use of the possession
 and reservations which are secured to me in said agreement during
 the term of her natural life which possession and Reservations were
 I believe appraised to and I think are worth fifty Dollars yearly
 But if my wife should find it inconvenient to reside in said
 premises and should reside elsewhere the said Eva & David Allen
 shall then pay one hundred and fifty Dollars yearly until the money
 is paid which they are compelled to pay by said agreement by
 which they hold the land If my wife should live longer until
 all is paid which can be collected from Eva & David Allen
 by said agreement the possession exception and reservations shall by
 no means be obliterated she shall hold all secured to her in
 said agreement during the term of her Natural life Sic they
 I appoint my wife Eva Allen & my two Sons John & Michael
 Allen Executors of this my last Will and Testament Witness my
 hand and seal this 27th day of April One thousand eight hundred
 and five
 signed sealed published and declared
 by the above named Durst Allen
 to be his last will and Testament in the
 presence of us who have hereunto subscribed
 our names as witnesses in the presence of the testator
 John Lawson Esq^r Governor
 Jacob Larimer

Durst Allen Seal
 marks

At Date to wit September Court 1805 The Instrument of writing hereunto
 in the last Will Testament of Durst Allen deceased exhibited in Court & sworn by the oath
 of John Lawson George Barn Jacob Larimer with open mouth & is named to be
 received and in Motion of Eva Allen the Widow & Daniel of S^r dead & John
 Allen & Michael Allen the Eldest & the Sons herein named they having
 filed oaths with Security unless into Court? Some according to Law
 Certificate is granted them for obtaining a probate thereof in due form
 Attest teste Bowyer D.C.M.